

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT HEMBREE,

Plaintiff,

v.

No. CV 20-343 RB/CG

3-D OIL FIELD SERVICES & RENTAL, L.L.C.,

Defendant.

SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to a “**90-day**” discovery track.

This Scheduling Order pertains to discovery only on issues of conditional certification of the collective action and certification of the class action. After Plaintiff files its motion for conditional certification of the collective action and certification of the class action and that motion has been resolved by the presiding judge, the parties will submit a second Joint Status Report and Provisional Discovery Plan within **30 days** of the presiding judge’s order. The Court will then issue a Second Scheduling Order setting forth case management deadlines, including discovery, on the remaining issues.

The termination date for discovery on issues of conditional certification of the collective action and certification of the class action is **December 14, 2020**, and discovery on issues of conditional certification of the collective action and certification of the class action shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date.

Before moving for an order relating to discovery, the parties may request a conference with the Court in an attempt to resolve the dispute. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery on issues of conditional certification of the collective action and certification of the class action (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **January 4, 2021**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff's motion for conditional certification of the collective action and certification of the class action shall be filed with the Court and served on the opposing party, by **January 13, 2021**. Defendant's response brief shall be filed on or before **February 8, 2021**, and Plaintiff's reply brief shall be filed on or before **February 28, 2021**. Plaintiff's motion for conditional certification of the collective action and certification of the class action filed after the above date shall, in the discretion of the Court, be considered untimely. If documents are attached as exhibits to motions, affidavits, or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Plaintiff shall have until **October 15, 2020**, to join additional parties and to amend the pleadings. Defendant shall have until **November 16, 2020**, to join additional parties

and to amend the pleadings.

Further case management deadlines will be set following resolution of the motion for conditional certification of the collective action and certification of the class action. The Court shall not schedule any deadlines pertaining to expert witnesses and expert reports pursuant to FED. R. Civ. P. 26(a)(2)(B), until there is a ruling on Defendant's forthcoming motion for conditional certification of class action.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE